

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

**IN RE: GRANULATED SUGAR
ANTITRUST LITIGATION**

Case No. 24-md-03110 (JWB/DTS)

This Document Relates to:

All Actions

**APPLICATION OF THOMAS H. BURT TO SERVE ON PLAINTIFFS'
STEERING COMMITTEE**

I am a partner of Wolf Haldenstein Adler Freeman & Herz LLP (“Wolf Haldenstein”). In accordance with the Pretrial Order of this Court of September 18, 2024, I respectfully submit this application for appointment as a member of the Plaintiffs’ Steering Committee. I follow the sequence of subjects as outlined in the Court’s Order.

(1) Willingness and Availability to Commit to a Time-Consuming Project

As is described in more detail below, I and Wolf Haldenstein have significant experience in complex antitrust class actions and fully understand the strategy, as well as the commitment of time and resources, necessary to successfully prosecute a complex indirect purchaser antitrust class action such as this. I would not undertake this assignment if I were not willing and able to personally commit my time, and the considerable professional and financial resources of my firm, to this lawsuit.

(2) Ability to Work Cooperatively with Others

I and Wolf Haldenstein have extensive experience working with various members of the antitrust bar, including many of the firms that have applied to be Lead Counsel in this case, including Lockridge Grindal & Nauen LLP, Freed Kanner London & Millen LLC, Cuneo Gilbert & LaDuca, LLP, and Zimmerman Reed LLP. We currently work with three of these firms in at least one other case that is active or in the process of settling. I can attest that I have strong working relationships with these firms and their attorneys and look forward to more opportunities to collaborate with them in the future.

(3) Professional Experience in This Type of Litigation

I have twenty-seven years of experience in the practice of law, twenty-four of which I have spent at Wolf Haldenstein, where I am the Partner in charge of the antitrust practice for my firm.

Wolf Haldenstein has served as lead, co-lead, or interim lead class counsel in many other antitrust class actions, with a particular focus on indirect purchaser classes. These cases include *In re DRAM Antitrust Litigation*, No. 02-cv-1486 (PJH) (N.D. Cal.), where we obtained a \$315 million recovery as co-lead counsel for the direct purchaser class, and *In re Packaged Seafood Products Antitrust Litigation*, No. 15-md-02670 (S.D. Cal.) (Sabraw, J.), where we recently obtained a \$152 million settlement as lead counsel for the indirect consumer class. In *Packaged Seafood*, the District Court's class certification decision was appealed to the Ninth Circuit, resulting in a key precedent, *Olean Wholesale Grocery Cooperative v. Bumble Bee Foods LLC*, 31 F.4th 651 (9th Cir. 2022) (*en banc*). I argued for the End Payor Class at the Circuit Court of Appeals, and both my team and our class's expert received private enforcement awards from the American Antitrust Institute for this result. Wolf Haldenstein currently serves as lead counsel for the class in *In re Apple iPhone Antitrust Litig.*, No. 4:11-cv-06714-YGR (N.D. Cal.) (Gonzalez-Rogers, J.), one of the largest and most complex antitrust cases of all time. I have significant responsibility in that case, in which antitrust standing was decided by the United States Supreme Court. See *Apple v. Pepper*, 587 U.S. 273 (2019).

Other antitrust cases where my firm serves in a leadership role, and in which I have had significant involvement, include *In re Harley-Davidson Aftermarket Parts Marketing, Sales Practices and Antitrust Litig.*, No. 23-md-03064 (E.D. Wis.) (Griesbach, J.) (aftermarket tying); *McDonough v. Toys "R" Us, Inc.*, No. 06-cv-0242 (E.D. Pa.) (Quinones Alejandro, J., \$35 million result); *Keurig Green Mountain Single-Serve Coffee Antitrust Litigation*, No. 1:14-cv-04391-VSB (S.D.N.Y.) (indirect purchaser class, \$33 million result).

I also have experience specific to representing not only indirect plaintiffs in antitrust class actions, but also small business indirect purchaser clients such as those in this case, in matters

including *Wood Mountain Fish Company LLC v. Mowi ASA*, No. 1:19 cv 22128 (S.D. Fla.) (Smith, J.) (price fixing), and *The Plumber's Shop and Associates, LLC v. Viega LLC*, No. 19-CV-00681 (M.D. Pa.) (Conner, J.) (tying). I am intimately aware of the challenges of representing small businesses in the prosecution of an antitrust class action and the need to coordinate participation in discovery while minimizing disruption to the plaintiffs' businesses.

I respectfully submit that I am particularly qualified to be a member of a Steering Committee or other leadership group, as the Court may select.

Dated: September 30, 2024

Respectfully submitted,

**WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP**

/s/ Thomas H. Burt

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